

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANDREW MICHAEL ASSUMPCAO,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

CASE NO. 3:16-CV-05030-DWC

ORDER ON DEFENDANT'S
STIPULATED MOTION FOR
REMAND

Plaintiff filed this action, pursuant to 42 U.S.C § 405(g), seeking judicial review of the denial of Plaintiff's applications for Supplemental Security Income and Child Insurance Benefits. The parties have consented to proceed before a United States Magistrate Judge. *See* 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13. *See also* Consent to Proceed before a United States Magistrate Judge, Dkt. 7.

Presently before the Court is Defendant's Stipulated Motion for Remand. Dkt. 14. After reviewing Defendant's Stipulated Motion and the relevant record, the Court orders the following:

Defendant's Motion is granted, and the case is reversed and remanded for further administrative proceedings under sentence four of 42 U.S.C. § 405(g).

1 On remand, the Administrative Law Judge (ALJ) shall hold a *de novo* hearing and issue a
2 new decision. The ALJ shall:

- 3 • update and develop the record;
- 4 • reevaluate the medical opinion evidence, in particular the opinion of Bruce J. Tapper,
5 Ph.D;
- 6 • reevaluate Plaintiff's subjective complaints under the provisions of SSR 16-3p;
- 7 • evaluate the lay witness evidence;
- 8 • reassess Plaintiff's residual functional capacity;
- 9 • reevaluate Plaintiff's ability to perform other work at step five of the sequential
10 evaluation, obtaining, if necessary, supplemental vocational expert testimony; and
- 11 • take any other actions necessary to develop the record.

12 The parties agree that on proper motion the Court shall consider Plaintiff's application
13 for costs and attorney fees under 28 U.S.C. § 2412(d) and 28 U.S.C. § 1920.

14 Dated this 24th day of May, 2016.

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16 David W. Christel
17 United States Magistrate Judge
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